

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

Plaintiff,

v.

SYLVIA FOSTER, LANCE SAPERS,

DAVE MOFFITT, R. GRAY,

MR. JOHNSON, JOHN JOE,

Defendants.

C.A. No.: 04-1350 (GMS)

**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR DISCLOSURE FOR DEFENDANT, DR. SYLVIA FOSTER'S,  
RESPONSE TO PLAINTIFF'S MOTION FOR ADMISSIONS #1**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Disclosure for Defendant, Dr. Sylvia Foster's, Response to Plaintiff's Motion for Admissions #1, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed this Motion on February 21, 2007 regarding Defendant, Dr. Sylvia Foster's, responses to a Request for Admissions, version #1. The basis of Plaintiff's motion for disclosure is the use of "objection" to the various requests to be "insufficient and evasive".

2. The specific requests which are noted in Plaintiff's Motion for Disclosure were responded to by Defendant, Dr. Sylvia Foster, in a manner consistent with the rules of Court. Any items which are responded to as "objection" are followed by an explanation for the objection which clearly demonstrates the purpose for the initial objection. A copy of Plaintiff's Request for Admissions and Dr. Sylvia Foster's Response to Plaintiff's Request for Admissions are attached hereto as Exhibits "A" and "B", respectively.

3. Plaintiff contends the requests must be admitted as true or denied as false.

Unfortunately, the requests in question are not capable of being responded to in such a fashion; the requests call for conclusions of items which are not within the control of Defendant and therefore she is not in a position to admit or deny the claim.

4. Plaintiff has failed to present any authority requiring a response other than what was given by Defendant, Dr. Sylvia Foster. Absent any authority to the contrary, the response provided by Defendant, Dr. Sylvia Foster, are sufficient and within the strictures of the Court rules.

WHEREFORE, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny Plaintiff's Motion for Disclosure for Defendant, Dr. Sylvia Foster's, Response to Plaintiff's Motion for Admissions #1.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire

Delaware State Bar I.D. No. 2565

Ronald W. Hartnett, Jr., Esquire

Delaware State Bar I.D. No. 4497

1001 Jefferson Plaza, Suite 202

Wilmington, DE 19801

(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster

Dated: March 20, 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

Plaintiff,

C.A. No.: 04-1350 (GMS)

v.

SYLVIA FOSTER, LANCE SAPERS,

DAVE MOFFITT, R. GRAY,

MR. JOHNSON, JOHN JOE,

Defendants.

## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 20<sup>th</sup> day of March, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Disclosure for Defendant, Dr. Sylvia Foster's, Response to Plaintiff's Motion for Admissions #1 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire

Delaware State Bar I.D. No.

Ronald W. Hartnett, Jr., Esquire

Delaware State Bar I.D. No. 4497

1001 Jefferson Plaza, Suite 202

Wilmington, DE 19801

(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster